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July 1, 2022

*Via ECF*

Hon. Paul G. Gardephe, United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: USA v. Stuart Finkelstein**  
**Docket No. 21-cr-217 (PGG)**

Dear Judge Gardephe:

I am writing to request that Mr. Finkelstein be permitted to appear remotely, via telephone, for the change of plea proceeding on Tuesday, July 5, 2022. Mr. Finkelstein is living in Florida, and has appeared via telephone since the inception of this case over two years ago. He has never missed a telephonic court appearance.

In addition, Mr. Finkelstein would need to fly from Florida to New York over the Fourth of July Holiday weekend. As the news shows, flights this weekend are being cancelled at record rates across all airlines and all air routes. Given the cancellations<sup>1</sup> that are occurring, and will likely occur, over the course of the weekend, any travel plans are tentative at best. If Mr. Finkelstein is permitted to appear via telephone, as he has done during the past two years, the proceeding will start on time, with no issues.

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<sup>1</sup> <https://www.foxbusiness.com/lifestyle/fourth-july-flight-delays-cancelations-2400-disrupted-thursday>; <https://www.newsweek.com/hundreds-flights-canceled-airlines-spark-4th-july-travel-chaos-1720579>

Hon. Paul G. Gardephe, United States District Judge

July 1, 2022

Page 2 of 2

The Government has no objection to this request.

In light of the foregoing, I am respectfully requesting that the change of plea proceeding scheduled for Tuesday, July 5 at 2 PM be held remotely.

Very truly yours,



David K. Bertan

DKB

cc: AUSA Rushmi Bhaskaran(via e-mail and ECF)